

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION**

JESSICA HODGES, as natural guardian of)
minor children, LANDON MICHAEL)
CREELY AND DAWSON LEE CREELY;)
and ESTATE OF LEE MICHAEL CREELY)
by and through Warren Ratchford, its)
Administrator,)

Plaintiffs,)

vs.)

CASE NO. CV 422-067

CHATHAM COUNTY, GEORGIA;)
CORRECTHEALTH LLC;)
CORRECTHEALTH CHATHAM, LLC;)
CARLO MUSSO, MD; KAREN)
FORCHETTE; ALFRED NEVELS;)
SELENA CARDONA; TEANNA)
FRANCES-HENDERSON; TERENCE)
JACKSON; DON WHITE; KARLOS)
MANNING; YVETTE BETHEL-)
QUINNEY; LOWRETTA FLORENCE;)
AMBER ANDERSON; JACKIE HARNED;)
SUSAN RIVERA; and LOUIKISHA)
ROBERTS,)

Defendants.)

NOTICE OF REMOVAL

COME NOW Defendants CorrectHealth LLC, CorrectHealth Chatham LLC, Carlo Musso, MD, Karen Forchette, Lowretta Florence, Amber Anderson, Jacqueline (Jackie) Harned, and Susan Rivera (collectively, "Defendants"), through counsel, and file this Notice of Removal pursuant to 28 U.S.C. §§ 1441 and 1446. Defendants appear specially to file this notice subject to

and without waiving any defenses available under state and federal law, and in support show the following:

1. On February 2, 2022, Plaintiff filed a civil action in the State Court of Chatham County, Georgia, styled Hodges v. Chatham County et al. and having Civil Action No. SPCV22-00098-KA (the Action). These Defendants acknowledged and waived service of process on February 24, 2022. These Defendants then filed Answers in the State Court of Chatham County. Attached hereto as Exhibit A is a copy of all process, pleadings and orders served on Defendants and filed in the Action.

2. The Action seeks money damages for alleged violations of rights under the Fourteenth Amendment to the United States Constitution and 42 U.S.C. § 1983. Plaintiffs claim that Defendants were deliberately indifferent to Plaintiffs' decedent's constitutional right to appropriate medical care and were acting under color of law. The Action also includes wrongful death claim brought under O.C.G.A. § 51-4-1, *et seq.*

3. The Action is a civil rights case and presents a federal question over which this court has original subject matter jurisdiction pursuant to 28 U.S.C. § 1331, and questions of state law over which this court has supplemental jurisdiction pursuant to 28 U.S.C. § 1367.

4. The Action is one which may be removed to this Court pursuant to the provisions of 28 U.S.C. §§ 1441(a) and 1446.

5. These Defendants acknowledged and waived service of process on February 24, 2022. Accordingly, pursuant to 28 U.S.C. § 1446(b), this Notice of Removal is filed within thirty days from receipt by Defendants of a copy of the summons and complaint.

6. All the Defendants who have been served consent to and join in this removal. The undersigned represents CorrectHealth, LLC, CorrectHealth Chatham, LLC, Carlo Musso, M.D.,

Karen Forchette, Lowretta Florence, Amber Anderson, Jacqueline (Jackie) Harned, and Susan Rivera, who all indicate their consent to removal through the signature of their undersigned counsel. Copies of the written consents of all co-Defendants who were properly served are attached hereto.

7. A true and correct copy of this Notice of Removal will be filed with the Clerk of the State Court of Chatham County, Georgia, promptly after the filing of this Notice of And Petition for Removal as required by law.

WHEREFORE, Defendants move that this Notice of Removal be filed, that the Action be removed to and proceed in this Court, and that no further proceedings be had in the Action in the Superior Court of Chatham County, Georgia.

RESPECTFULLY SUBMITTED THIS 24th DAY OF MARCH 2022.

BOUHAN FALLIGANT, LLP

/s/ Carlton E. Joyce

CARLTON E. JOYCE

State Bar of Georgia No. 405515

LUCAS D. BRADLEY

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Attorneys for Defendants CorrectHealth, LLC, CorrectHealth Chatham LLC, Carlo Musso, MD; Karen Forchette; Lowretta Florence; Amber Anderson; Jacqueline (Jackie) Harned; and Susan Rivera

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